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DATE MAILED: 03/22/2006

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/743,734	12/24/2003	Yuji Iwata	247154US2	9099
22850	7590 03/22	006	EXAM	INER
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			STAFIRA, MICH	IAEL PATRICK
			ART UNIT	PAPER NUMBER
	·		2877	<u>-</u> -

Please find below and/or attached an Office communication concerning this application or proceeding.

·	Application No.	Anglicant/o				
	Application No.	Applicant(s)				
Office Action Commence	10/743,734	IWATA ET AL.				
Office Action Summary	Examiner	Art Unit				
	Michael P. Stafira	2877				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet w	with the correspondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUN 16(a). In no event, however, may a rill apply and will expire SIX (6) MC cause the application to become a	IICATION. a reply be timely filed  DNTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on						
2a) ☐ This action is <b>FINAL</b> . 2b) ☒ This	This action is <b>FINAL</b> . 2b) This action is non-final.					
3) Since this application is in condition for allowan	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1-17</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5)⊠ Claim(s) <u>1-15</u> is/are allowed.						
6)⊠ Claim(s) <u>16 and 17</u> is/are rejected.	6)⊠ Claim(s) <u>16 and 17</u> is/are rejected.					
7) Claim(s) is/are objected to.	Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/or	election requirement.					
Application Papers						
9) The specification is objected to by the Examiner	r <b>.</b>					
10)⊠ The drawing(s) filed on <u>24 December 2003</u> is/are: a)⊠ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)⊠ All b)□ Some * c)□ None of:						
1. Certified copies of the priority documents have been received.						
<ul> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage</li> </ul>						
application from the International Bureau	•	in received in this National Stage				
* See the attached detailed Office action for a list of the certified copies not received.						
See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date						
) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) Notice of Informal Patent Application (PTO-152)						
Paper No(s)/Mail Date <u>3/24/2004</u> .	6)  Other: _	·				

### **DETAILED ACTION**

## **Priority**

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers 1. have been placed of record in the file.

# Claim Rejections - 35 USC § 102

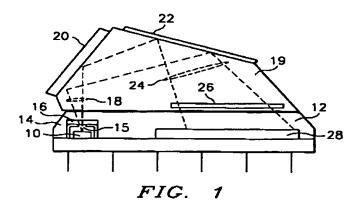
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the 2. basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- Claims 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Keller et al. 3. (503).

#### Claim 16

Keller et al. (503) discloses a multiwavlength detection chip (Fig. 1, Ref. 19) configured to be detachable (Col. 3, lines 4-7) relative to an optical unit (Fig. 1, Ref. 12) unitarily including a light supply means (Fig. 1, Ref. 10) and a light detection means (Fig. 1, Ref. 28).



#### Claim 17

Keller et al. (503) further discloses a light path charged with a first material (Col. 2, lines 47-58); and the other portion charged with a second material having a different refractive index from the first material (Col. 3, lines 27-38).

# Allowable Subject Matter

- 4. Claims 1-15 are allowed over the prior art of record.
- 5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, the prior art fails to disclose or make obvious a surface plasmon sensor having a plurality of reflective surfaces provided at respective optical paths from the light supply means to the light detection means, the reflective surfaces being arranged opposing to the respective surface plasmon resonance detection surfaces; a wave formed multiwell formed with the surface plasmon resonance detection surfaces and the reflective surfaces, and in combination with the other recited limitations of claim 1. Claims 2-8 are allowed by the virtue of dependency on the allowed claim 1.

Regarding claim 9, the prior art fails to disclose or make obvious a surface plasmon resonance measurement device having a plurality of reflective surfaces provided at respective optical paths from the light supply means to the light detection means, the reflective surfaces being arranged opposing to the respective surface plasmon resonance detection; a wave formed multiwell formed with the surface plasmon resonance detection surfaces and the reflective surfaces, and in combination with the other recited limitations of claim 9. Claims 10-15 are allowed by the virtue of dependency on the allowed claim 9.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Stafira whose telephone number is 571-272-2430. The examiner can normally be reached on 4/10 Schedule Mon.-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley can be reached on 571-272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Primary Examiner
Art Unit 2877

March 14, 2006